

## **AFFIDAVIT**

I, Austin Robert Holmes (FBI), being first duly sworn, hereby depose and state as follows:

### **INTRODUCTION AND AGENT BACKGROUND**

1. Your Affiant has been employed as a Special Agent with the Federal Bureau of Investigation (“FBI”) since February 13, 2022, and has been assigned to Safe Streets Gang Task Force (“SSGTF”) since June 27, 2022. Safe Streets Gang Task Force is a Cleveland-based, multi-agency federal, state, and local law enforcement drug task force. Affiant has participated in investigations targeting organizations involved in drug trafficking offenses in the Northern District of Ohio and elsewhere. Your affiant has participated in drug and weapons investigations, controlled purchases, wiretap investigations, the execution of search warrants, and undercover operations with the SSGTF. Prior to arriving at SSGTF, your Affiant received three months of training the FBI training academy in Quantico, Virginia. During that time, your affiant received training on how to conduct drug related investigations. Training at Quantico included, but was not limited to, surveillance, undercover operations, interview and interrogation, informant recruitment and control, search warrant and case preparation.

2. Prior to employment with the FBI, your affiant was employed at the Chesapeake Police Department (herein after referred to as CPD) as a Police Officer from 2017-2022. Your affiant received training at the Chesapeake Law Enforcement Training Academy (herein after referred to as CLETA.) At CLETA, your Affiant received training in Narcotics investigations. After completion of training, your Affiant was assigned to the 2<sup>nd</sup> precinct, of the CPD. During my time in patrol at the 2<sup>nd</sup> precinct, your affiant made numerous arrests to include, but not limited drug offenses, including distribution. Your affiant learned to recognize and analyze signs of distribution to include currency, paraphernalia, and contraband. While assigned to the 2<sup>nd</sup>

precinct, your affiant was assigned to a Violent Crime Initiative. Your Affiant collected evidence that included narcotics and weapons and submitted them for drug analysis.

**PROBABLE CAUSE**

3. The FBI and members of the Cleveland Safe Streets Gang Task Force have been investigating the drug trafficking activities of Deshun WELLS and Derrick WELLS since November 2023. The investigation has revealed through various database checks, that both reside at 16703 Biltmore Avenue, Cleveland, Ohio **Target Location (TL)**.

4. On July 1, 2024, Federal Task Force Officers and Agents conducted surveillance of 16703 Biltmore Avenue, Cleveland, Ohio, 44128, **(TL)** and observed trash cans on the curb in front of the premises, on the City of Cleveland's scheduled weekly garbage day for this area. Investigators conducted a trash pull from the premises of **TL**, confiscating several trash bags from the cans. Agents and Task Force Officers then went to a pre-determined location and searched the trash bags and recovered:

- a. Mail with the names Derrick E. Wells and D Wells Industries LLC at addressed to 16703 Biltmore, Cleveland, Ohio, 44128, **(TL)**.
- b. A suspected Kilogram casket packaging with white powder residue. Residue from the packaging tested positive for the presence of cocaine using a NIK (6500) cocaine test wipe.
- c. Blue latex gloves.

5. On July 15<sup>th</sup>, 2024, Members of the Federal Task Force and Agents from the Cartel Gang Narcotics & Laundering (CGNL), Safe Streets Gang Task Force (SSGTF) and Federal Bureau of Investigation conducted a trash pull at **TL** and observed one trash can on the

curb in front of TL. Agents and Task Force Officers then went to a pre-determined location and searched the trash bags and recovered:

- a. Two pieces of United States Postal Service mail addressed to Deshun Wells at the TL.
- b. Several large clear vacuum sealed plastic bags including the suspected wrapping of a large package of controlled substances. Residue was visible on the plastic inside of the bags. A field test was conducted using the NIK cocaine test wipe that showed a positive result for presence cocaine on one of the clear plastic bags covered in white residue. All bags were coated inside with powdered white residue.
- c. Multiple blue latex gloves.

6. On July 17, 2024, Magistrate Judge James E. Grimes, Jr. of the United States District Court, Northern District of Ohio, authorized a search warrant for the residence 16703 Biltmore Avenue, Cleveland, Ohio, 44128 (TL), for evidence of violations of Federal Drug law, namely Title 21 USC 841(a)(1) and 846.

7. On July 18, 2024, at approximately 6:30am, the Federal Bureau of Investigation (FBI) assisted by the Cleveland Division of Police (CDP) Gang Impact Unit (GIU) executed the search warrant at TL. Agents and Task Force Officers knocked and announced at the TL.

8. First, investigators approached the side door of TL and knocked and announced their presence and that they were executing a search warrant. At the side door, investigators breached the doorway, and observed a male run past the door and up the stairs to the first floor of TL. Next, investigators deployed a remote-controlled drone equipped with live video feed into the TL. Agents with the FBI and Task Force Officers with CDP called to individuals to exit the

TL. Derrick WELLS was the first individual to exit TL. The operator of the drone navigated the drone to the second-floor area of TL, wherein investigators observed Deshun WELLS near the bathroom. Deshun WELLS was the second male to exit the TL aft being spotted on the second floor by the drone.

9. After Deshun and Derrick WELLS exited the TL, while Agents were clearing the home, investigators observed that the toilet in the bathroom was running, as if had been recently flushed. Next, a systematic search of the TL pursuant to the obtained warrant was completed by investigators. In the bathroom, investigators observed an empty and wet plastic bag near the toilet. While placing Deshun WELLS in custody, a white powdered substance was observed on his hands.

10. During the search of TL, investigators located, observed and seized:
- a. In the bathroom located within toilet tank area investigators found multiple baggies containing suspected cocaine in rock and powder form, which field tested positive for cocaine.
  - b. In the first floor dining room, in an open container investigators found multiple blue latex gloves with an unknown pink powder substance.
  - c. On the floor, in the basement, investigators found a makeshift bedroom area. In this area, investigators found a loaded Taurus handgun on the floor next Deshun WELLS's cell phone. Deshun WELLS also advised Affiant that his shoes were located in the downstairs in the basement.
  - d. In an upstairs bedroom on the bedframe, investigators found an Ohio license belonging to Deshun WELLS. A large scale covered in white powered substance believe to be powered cocaine was also located in the bedroom. Numerous boxes

of sandwich bags and a plastic container top covered in a white powdered residue as well as razor blades were next to the scale. A box of ammunition was also found in the bedroom.

- e. A total of \$49,760 in cash was recovered at various locations in the home to include hidden in basement rafters and inside of a trash bag in the bedroom with Deshun WELLS's identification.
- f. A wallet containing a State of Ohio Drivers license belonging to Derrick WELLS, a Silver and Black Walther PK380 (under mattress), and a black firearm (unknown make) were all recovered in the same bedroom. After being advised of his rights, Derrick WELLS admitted that the gun under his bed is his and it is for his protection. Derrick WELLS also stated that he is not allowed to possess a firearm.

11. Affiant knows in his training and experience and participation in prior drug investigations and in conferring with other agents, that persons engaged in drug trafficking will often use: scales to weigh sellable quantities of controlled substances; baggies to be used in the packaging of sellable quantities of controlled substances; and razor blades to be used in the cutting of controlled substances.

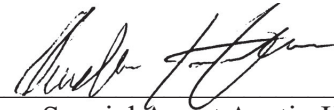
12. After an open-source internet search, Affiant determined that Taurus brand firearms are manufactured in the State of Georgia. Affiant has conferred with ATF Agent Briggs and learned that Walther brand firearms are not manufactured in the state of Ohio.

13. Affiant reviewed Cuyahoga County Court of Common Pleas records and found that DERRICK WELLS has convictions such as: On or about August 20, 2014, in case number CR-14-584334, for the offense of drug trafficking, a felony of the second degree; and on or about

September 1, 2010, in case number CR-10-540217, for the offense of drug trafficking, a felony of the second degree. Affiant knows that under Ohio law, felonies of the second degree are punishable by a term of imprisonment of greater than one year.

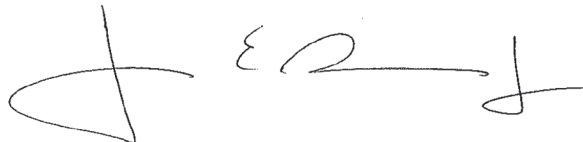
### **CONCLUSION**

14. Based upon the listed facts and circumstances, your Affiant believes and asserts that there is probable cause that on July 18, 2024, Derrick WELLS violated Title 18 U.S.C. Section 922(g) [possession of a firearm by a prohibited person].



Special Agent Austin Holmes  
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted via reliable electronic means, per Fed. R. Crim. P. 4.1, 41(d)(3), this 18th day of July 2024.



James E. Grimes Jr., United States Magistrate Judge